

1 BUCHALTER NEMER  
A Professional Corporation  
2 PETER G. BERTRAND (#87883)  
RICHARD C. DARWIN (#161245)  
3 333 Market Street, 25th Floor  
San Francisco, California 94105-2126  
4 Telephone: (415) 227-0900  
Facsimile: (415) 227-0770  
5 rdarwin@buchalter.com

6 Attorneys for Defendant  
COMERICA BANK  
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8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION**  
10

11 ROBERT PRITIKIN, et al.,  
12 Plaintiffs,  
13 v.  
14 COMERICA BANK, et al.,  
15 Defendants.

CASE NO. CV 09-03303 JF

**AMENDED NOTICE OF MOTION TO  
DISMISS THE COMPLAINT BY  
DEFENDANT COMERICA BANK**

Date: October 30, 2009  
Time: 9:00 a.m.  
Dept.: Honorable Jeremy Fogel

Complaint filed: July 20, 2009  
Trial Date Set:

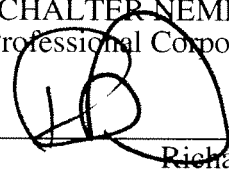
17 **TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:**

18 **PLEASE TAKE NOTICE** that on October 30, 2009, at 9:00 a.m. in Courtroom 3 of the  
19 above-entitled Court, located at 280 South 1<sup>st</sup> Street, San Jose, California 95113, Defendant  
20 Comerica Bank ("Defendant") will move this Court pursuant to Rule 12(b)(6) of the Federal  
21 Rules of Civil Procedure for an order dismissing the complaint and each of the claims for relief  
22 alleged therein. Defendant seeks the requested relief on the grounds that the complaint fails to  
23 plead facts sufficient to state a claim for relief. This motion was previously noticed for hearing  
24 on October 23, 2009, and has been continued to October 30, 2009 pursuant to Local Rule 7-7 and  
25 an agreement between the parties. Pursuant to Local Rules 7-3 and 7-7(d), plaintiffs' opposition  
26 papers shall be filed on or before October 9, 2009, and Defendant's reply papers shall be due on  
27 or before October 16, 2009.  
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1 The motion will be based upon this Amended Notice; the Memorandum of Points and  
2 Authorities, Request for Judicial Notice and Declaration of Monique Jewett-Brewster previously  
3 filed on August 28, 2009; the complete files and records in this action; the written and oral  
4 arguments of counsel; and such other and further evidence as the Court may deem proper.

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6 DATED: September 10, 2009

BUCHALTER NEMER  
A Professional Corporation

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8 By:  \_\_\_\_\_  
Richard C. Darwin  
9 Attorneys for Defendant, COMERICA BANK